



862.021871

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MASAO OKADA et al.

Application No.: 09/537,288 ✓

Filed: March 29, 2000

For: ANIMATION DISPLAY
APPARATUS, ARCADE
GAME MACHINE, CONTROL
METHOD AND APPARATUS
THEREOF, AND STORAGE
MEDIUM

Examiner: J. Hotaling

Group Art Unit: 3713

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on

April 24, 2003
(Date of Deposit)

Dennis A. Duchene, Reg. No. 40,596

Name of Attorney for Applicant

Signature

Date of Signature

April 24, 2003

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE

Sir:

In response to the restriction requirement set forth in the Office Action dated March 24, 2003, Applicants provisionally elect Group II, namely, Claims 17 to 31. This election is made with traverse.

An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicants respectfully submit that the claims of Groups I, II and III are all generally directed to the field of art concerning layered image data processing. Accordingly, two-way distinctness is not seen to be present among the claims of Groups I, II and III. MPEP § 806.05(c).

Even if Groups I, II and III are considered to be independent or distinct inventions, which Applicants do not admit to be the case, the search and examination of all pending claims of Groups I, II and III can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Groups I, II and III are all directed to the field of art concerning layered image data processing. Accordingly, Applicants respectfully submit that concurrent search and examination of all claims of Groups I, II and III can be made without serious burden.

Based on the foregoing remarks, Applicants respectfully submit that the restriction requirement is improper and therefore request reconsideration and withdrawal of the restriction requirement, and the concurrent examination of all currently-pending claims of Groups I, II and III.

Applicants' undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


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